

REMARKS

Claims 1-20 are currently pending. In the final Office Action dated May 3, 2007, the Examiner made the following disposition:

- A.) Objected to claim 11.
- B.) Rejected claims 1, 4, and 6-20 under 35 U.S.C. §103(a) as being unpatentable over *Iwamoto* in view of *Fujita*.
- C.) Rejected claims 2, 3, and 5 under 35 U.S.C. §103(a) as being unpatentable over *Iwamoto* in view of *Fujita* and further in view of *Sasaki*.

Applicants respectfully traverse the rejections and address the Examiner's disposition below. Claims 1, 2, 3, 5, 7, 10, and 11 have been amended. Claims 6 and 20 have been canceled.

- A.) Objection to claim 11:

Claim 11 has been amended as per the Examiner's request to overcome the objection.

Applicants respectfully submit the objection has been overcome and request that it be withdrawn.

- B.) Rejection of claims 1, 4, and 6-20 under 35 U.S.C. §103(a) as being unpatentable over *Iwamoto* in view of *Fujita*:

Applicants respectfully disagree with the rejection.

Independent claim 1, as amended, claims a battery comprising a cathode, an anode, and an electrolyte. The capacity of the anode includes both of a capacity component obtained by insertion and extraction of a light metal and a capacity component obtained by deposition and dissolution of the light metal. The electrolyte contains a light metal salt having a M-O bond wherein M represents any of boron (B), phosphorus (P), aluminum (Al), gallium (Ga), indium (In), thallium (Tl), arsenic (As), antimony (Sb) or bismuth (Bi). The light metal is deposited on the anode at an open circuit voltage lower than overcharge voltage. A ratio X/Y is at least 0.05 to at most 3.0, X being the capacity component obtained by deposition and dissolution of the light metal and Y being the capacity component obtained by insertion and extraction of the

light metal. The capacity of the anode obtained by insertion and extraction of the light metal is smaller than the capacity of the cathode.

This is clearly unlike *Iwamoto* in view of *Fujita*, which fails to disclose or suggest Applicants' claimed ratio X/Y that is at least 0.05 to at most 3.0, in which X is a capacity component obtained by deposition and dissolution of a light metal and Y is a capacity component obtained by insertion and extraction of the light metal. Nowhere does *Iwamoto* and *Fujita*, taken singly or in combination, discuss or suggest a ratio of a capacity component obtained by deposition and dissolution of a light metal to a capacity component obtained by insertion and extraction of the light metal. Accordingly, *Iwamoto* in view of *Fujita* could not disclose or suggest Applicants' claimed ratio X/Y that is at least 0.05 to at most 3.0.

For at least this reason, *Iwamoto* in view of *Fujita* fails to disclose or suggest claim 1.

Further, *Iwamoto* in view of *Fujita* fails to disclose or suggest a capacity of an anode obtained by insertion and extraction of light metal being smaller than the capacity of a cathode. Again, this subject matter is simply not discussed or suggested by *Iwamoto* in view of *Fujita*. Thus, for this additional reason, *Iwamoto* in view of *Fujita* fails to disclose or suggest claim 1.

Claims 4 and 7-19 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Claims 6 and 20 have been canceled.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

C.) Rejection of claims 2, 3, and 5 under 35 U.S.C. §103(a) as being unpatentable over *Iwamoto* in view of *Fujita* and further in view of *Sasaki*:

Applicants respectfully disagree with the rejection.

Independent claim 1 is allowable over *Iwamoto* in view of *Fujita* as discussed above. *Sasaki* still fails to disclose or suggest Applicants' claimed ratio and anode capacity relative to cathode capacity. Therefore, *Iwamoto* in view of *Fujita* and *Sasaki* still fails to disclose or suggest claim 1.

Claims 2, 3, and 5 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

/Christopher P. Rauch/
Christopher P. Rauch
Registration No. 45,034
Customer No. 26263
Attorney for Applicants